

UNITED STATES BANKRUPTCY COURT FOR THE
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: Kearston L Jones

Case No. 16-50962
Chapter 13
Judge HOFFMAN

MOTION FOR CONTEMPT

Debtor, by her Attorney Ric Daniell, alleges:

1. That on February 19, 2016 she filed a Chapter 13 petition in this Court and First Choice Motors was a listed creditor. The plan has not been confirmed.
2. That this Court has jurisdiction over this matter pursuant to 28 U.S.C. Sec.157(b).
3. That on or about February 26, 2016 at approximately 1:00 PM, an agent of First Choice Motors seized the 2000 Dodge Caravan automobile owned by the Debtor by coming on to the premises of the Debtor's employment and towing the car away. Such action was taken after the Creditor had been informed that the Debtor had filed a Chapter 13 by the Debtor.
4. That the undersigned spoke with the Creditor on February 26, 2016 and informed the Creditor of the Chapter 13 filing and further faxed a letter to the Creditor on February 26, 2016 informing the creditor that the vehicle was subject to the automatic stay. A copy of the letter is attached hereto, Exhibit A.
5. That the vehicle has not been returned to the Debtor and that the seizure of the vehicle and the failure to return the vehicle to the Debtor has cost the Debtor business income and that the continued retention of the vehicle by the Creditor continues to cost the Debtor income.
6. The Debtor's affidavit supporting this motion is attached hereto as Exhibit B.
7. The Creditor's actions were in violation of Section 362 of the Bankruptcy Code.

WHEREFORE, the Debtor moves this Court for an order adjudging First Choice Motors in contempt of this Court for having violated and disregarded the terms of 11 U.S.C. Sec.362, and an award of actual damages, including attorney fees and costs, and punitive damages and such other relief as the Court deems equitable.

Respectfully submitted,

/s/ Ric Daniell

Ric Daniell (0032072)
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Columbus, OH 43212
(740) 549 5369
Attorney for Debtor

CERTIFICATE OF SERVICE

The attached motion for contempt was served upon the below listed registered ECF participants, electronically through the Court's ECF System at the e-mail address registered with the Court this March 7, 2016:

Faye D English notices@ch13columbus.com
U S Trustee ustpreion09.cb.efc@usdoj.gov

And on the following by ordinary mail addresses to:

/s/ Ric Daniell

Ric Daniell 0032072
Attorney for Debtor